

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANTHONY SHRONE PERSON,
Petitioner,

v.

MELISSA ANDREWJESKI,
Respondent.

No. 23-cv-5434-BJR

**ORDER DENYING MOTION TO
AMEND JUDGMENT**

Petitioner, formerly known as Anthony Shrone Person (n/k/a Jafaka Meno Matiya, “Petitioner”) filed a motion under Federal Rule 59(e), seeking amendment of this Court’s Judgment and Order Adopting the Report and Recommendation (“Order”) and dismissing his petition for habeas corpus. Such motions “should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law.” *McDowell v. Calderon*, 197 F.3d 1253, 1255 (9th Cir. 1999) (citations omitted). In the motion, Petitioner repeats statements from his petition and objections to the R&R that he is “actually innocent,” and entitled to an evidentiary hearing, which the Court denied in its Order.

ORDER DENYING
FEDERAL RULE 59(e) MOTION - 1

1 A habeas petitioner is entitled to an evidentiary hearing only if the allegations in the petition
2 would, if proved, entitle the petitioner to relief, and the state court trier of fact has not, after a full
3 and fair hearing, reliably found the relevant facts. *See Phillips v. Woodford*, 267 F.3d 966 (9th Cir.
4 2001). The instant motion, like the petition itself, once again fails to identify any evidence
5 suggesting an evidentiary hearing is in order. Petitioner's Federal Rule 59(e) motion is DENIED.
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7 SO ORDERED. Dated: March 20, 2024.

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10 Barbara Jacobs Rothstein
11 U.S. District Court Judge
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